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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

United States of America *

v. * **Criminal Case No. JKB-16-0292**

BENJIE SARMIENTO MONTALBAN *

******

REGULAR SENTENCING ORDER

(1) On or before 1/13/2017 ***(not more than 40 days from the date of this order)***, the Probation Officer shall serve two copies of the presentence report upon counsel for the Defendant, who shall review the report with and, provide one of the copies to, the Defendant. The Probation Officer shall also serve one copy of the presentence report upon counsel for the Government.

(2) On or before 1/27/2017 ***(not less than 14 days from date in paragraph 1)***, counsel shall submit, in writing, to the Probation Officer and opposing counsel, any objections to any material information, sentencing classifications, advisory sentencing guideline ranges, or policy statements contained in or omitted from the report.

(3) After receiving counsel's objections, the Probation Officer shall conduct any necessary further investigation and may require counsel for both parties to meet with the Probation Officer to discuss unresolved factual and legal issues. The Probation Officer shall make any revisions to the presentence report deemed proper, and, in the event that any objections made by counsel remain unresolved, the Probation Officer shall prepare an addendum setting forth those objections and any comment thereon.

(4) On or before 2/7/2017 ***(not less than 11 days from date in paragraph 2)***, the Probation Officer shall serve two copies of any revisions and addendum to the presentence report upon counsel for the Defendant, who shall provide one of the copies to the Defendant. The Probation Officer shall also serve one copy of any revision and addendum to the presentence report upon

counsel for the Government. The Probation Officer shall then submit the report (and any revisions and addendum thereto) to the Court.

(5) If counsel for either party intends to call any witnesses at the sentencing hearing, counsel shall submit, in writing, to the Court and opposing counsel, on or before ***1/27/2017 (not less than 14 days before sentencing)***, a statement containing (a) the names of the witnesses, (b) a synopsis of their anticipated testimony, and (c) an estimate of the anticipated length of the hearing.

(6) Sentencing memoranda are not required unless a party intends to request a sentence outside the advisory guidelines range on the basis of a non-guideline factor. If submitted, they shall be filed with the Clerk and a copy delivered to chambers on or before ***1/27/2017 (not less than 14 days before sentencing)***. Opposing or responding memoranda are not required. If submitted, they shall be delivered to chambers on or before ***2/3/2017 (not less than 7 days before sentencing)***. Copies of all memoranda must be sent to the Probation Officer.

(7) Sentencing shall be on 2/10/2017 at 10:00 a.m..

(8) The presentence report, any revisions, and any proposed findings made by the Probation Officer in the addendum to the report shall constitute the tentative findings of the Court under section 6A1.3 of the sentencing guidelines. In resolving disputed issues of fact, the Court may consider any reliable information presented by the Probation Officer, the Defendant, or the Government, and the Court may issue its own tentative or final findings at any time before or during the sentencing hearing.

(9) Nothing in this Order requires the disclosure of any portions of the presentence report that are not disclosable under Federal Rules of Criminal Procedure 32.

(10) The dates of service set forth in this Order refer to the date of receipt of the paper being served. If the Probation Officer or counsel are making service of a paper by mail, they must mail the paper at least three days before the date set forth in the Order.

December 6, 2016
Date

James K. Bredar
United States District Judge